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JTCW

Attorney Docket No. P23931

In re application of : Jin-Soo PARK et al.

Application No. : 10/617,736

Mail Stop Amendment
Group Art Unit : 2834

Filed : July 14, 2003

Examiner : Hanh N. Nguyen

For : MOTOR STARTOR ASSEMBLY AND FABRICATION METHOD THEREOF

Mail Stop Amendment

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Transmitted herewith is a Response to Election/Restriction Requirement with Traverse in the above-captioned application.

- Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.
 A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
 A Request for Extension of Time.
 No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 30	*30	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 4	**4	0	x 43=	\$	x 86=	\$0.00
Multiple Dependent Claims Presented			+145=	\$	+290=	\$0.00
Extension Fees for _____ Month(s)				\$		\$0.00
			Total:	\$	Total:	\$0.00

- Please charge my Deposit Account No. 19-0089 in the amount of \$ _____.
 A check in the amount of \$ _____ to cover the filing/extension fee is included.
 The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.
 Any additional filing fees required under 37 C.F.R. 1.16.
 Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

With 7. Lynd Reg. No.
Bruce H. Bernstein
Reg. No. 29,027
41,5C8

P23931.A03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Jin-Soo PARK et al.

Group Art Unit: 2834

Appln. No. : 10/617,736

Examiner: Hanh N. Nguyen

Filed : July 14, 2003

For : MOTOR STATOR ASSEMBLY AND FABRICATION METHOD
THEREOF

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT
WITH TRAVERSE**

Commissioner for Patents
U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby Room 1B03
Arlington, VA 22202

Sir:

In response to the Official Action of September 1, 2004 in which one-month shortened statutory period for response was set to expire on October 1, 2004, Applicants hereby elect Group I (claims 1-18), with traverse.

Applicants respectfully request that each of the groups be examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. 803. That is, the Examiner is respectfully requested to reconsider his requirement and find that there would not appear to be a "serious burden" on the Office in also examining the claims directed toward the non-elected groups, which would otherwise be withdrawn from the consideration if the restriction requirement is maintained.

In M.P.E.P. Chapter 800, the Office sets forth its policy by which Examiners are guided in requiring restriction under 35 U.S.C.121. In Chapter 803 it is stated that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

The Examiner has characterized the inventions of Groups I (claims 1-18) and II (claims 19-30) as "process of making and product made." The Examiner has stated in the restriction requirement that the "the process as claimed can be used to make other and materially different product" or "the product as claimed can be made by another and materially different process such as using adhesive material to couple the yoke to the pole instead of using press-fitting method". Applicants respectfully submit, that in spite of the Examiner's restriction, the non-elected claims should be examined in the instant application for the following reasons. It would appear that the search for the inventions identified by the Examiner would be coextensive, or at least significantly overlap. That is, if the Examiner would perform a search for the elected group I comprising claims 1-18, there would not appear to be a serious burden in continuing the examination of the group II, especially since all claims are related to a stator assembly of a motor comprising a plurality of yokes fabricated by laminating a plurality of steel plate sheets, a plurality of poles coupled between the yokes and fabricated by molding magnetic material and a plurality of robbin bodies.

Because the search of all of the identified groups would be substantially coextensive, there would be no *serious* burden on the Examiner to examine all the claims of the present application. For this reason, and consistent with the office policy as set forth in M.P.E.P. 803, Applicants respectfully request that the Examiner reconsider and withdraw the election requirement.

For the foregoing reasons, the restriction requirement in this application is believed to be improper and it is respectfully submitted that it be reconsidered and withdrawn.

Should there be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Jin Soo PARK et al.

Will E. Lydder Reg. No.
Bruce H. Bernstein 41,568
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September 28, 2004
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